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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 3-11-70238 MAG
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO FEBRUARY 29,
v.)	2012 AND TO EXCLUDE TIME UNDER
)	THE SPEEDY TRIAL ACT
MICHAEL DUPREE BROWN,)	
)	
Defendant.)	Date: February 1, 2012
)	Time: 9:30 a.m.
)	Court: Hon. Laurel Beeler
)	

The above-captioned matter is set on February 1, 2012 before this Court for a status hearing. The parties request, however, that the matter be continued to February 29, 2012 and that time be excluded pursuant to 18 U.S.C. § 3161(b) between February 1, 2012 and February 29, 2012 for the reasons stated below.

Defendant is presently charged in a criminal complaint with violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), 18 U.S.C. § 924(c), and 18 U.S.C. § 922(g)(1). Defendant has previously waived his right to a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5 (Docket No. 10), and has previously agreed to exclude time within which to be charged by Indictment or Information pursuant to 18 U.S.C. § 3161(b). Additionally, defendant

STIP. REQ. TO CONTINUE HEARING DATE TO FEBRUARY 29, 2012 AND TO EXCLUDE TIME
No. 3-11-70238 MAG

1 is currently serving a ten-year federal prison sentence imposed in case no. CR-10-00176 PJH.
2 He is also before the Honorable Claudia Wilken in case no. CR-09-00203 CW on a Petition For
3 Arrest Warrant For Offender Under Supervision based on the same conduct at issue in this case.

4 Lead counsel for the United States has recently left the United States Attorney's Office,
5 Northern District of California; thus, new counsel for the United States needs time to review the
6 discovery and other matters associated with this case. Additionally, discovery needs to be
7 provided to defense counsel, and defense counsel needs time to review and analyze the discovery
8 and to discuss the same with defendant. Further, defense counsel is unavailable between
9 February 18, 2012 and February 25, 2012. In sum, both parties need additional time to review
10 the discovery in this case, to effectively prepare for future hearings, and/or to attempt to
11 negotiate a pre-indictment resolution. Defendant agrees to continue to exclude time within
12 which to be charged by Indictment or Information pursuant to 18 U.S.C. § 3161(b) from
13 February 1, 2012 and February 29, 2012.

14
15 DATED: January 31, 2012
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18 /s/
19 JAMES C. MANN
Assistant United States Attorney
Counsel for United States

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 /s/
GARRICK S. LEW
Counsel for Michael Dupree Brown

UNITED STATES OF AMERICA,)	No. 3-11-70238 MAG
)	
Plaintiff,)	[PROPOSED] ORDER GRANTING
)	STIPULATED REQUEST TO CONTINUE
v.)	HEARING DATE TO FEBRUARY 29,
)	2012 AND TO EXCLUDE TIME UNDER
MICHAEL DUPREE BROWN,)	THE SPEEDY TRIAL ACT
)	
Defendant.)	Date: February 1, 2012
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11 which to be charged by Indictment or Information pursuant to 18 U.S.C. § 3161(b) from
12 February 1, 2012 and February 29, 2012.

13 Good cause appearing therefor, and pursuant to 18 U.S.C. § 3161(b),

14 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
15 February 1, 2012 to February 29, 2012 at 9:30 a.m., and that time between February 1, 2012 and
16 February 29, 2012 is excluded under the Speedy Trial Act and specifically 18 U.S.C. § 3161(b)
17 to allow: (1) discovery to be produced to defendant; (2) both new counsel for the United States
18 and defense counsel to review and analyze the discovery in this matter; (3) the continuity of
19 defense counsel, who is unavailable between February 18, 2012 and February 25, 2012, and (4)
20 the parties to explore the potential of a pre-indictment resolution of the matter.

21
22 DATED: February 1, 2012



LAUREL BEELER
United States Magistrate Judge